United Nations A/55/358

General Assembly

Distr.: General
7 September 2000
English
Original: French

Fifty-fifth session
Agenda item 116 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Burundi

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the human rights situation in Burundi prepared by Marie-Thérèse A. Keita-Bocoum, Special Rapporteur on the situation of human rights in Burundi, pursuant to Commission on Human Rights resolution 2000/20 of 18 April 2000 and Economic and Social Council decision 2000/253.

* A/55/150.

** In conformity with paragraph 1, section C, of General Assembly resolution 54/248, this report is being submitted on 15 August 2000 so that it will contain as much updated information as possible.

00-63686 (E) 171000 191000

Annex

Interim report of the Special Rapporteur of the Commission on Human Rights on the human rights situation in Burundi

Contents

		Paragraphs	Page
I.	Introduction	1–8	
II.	General situation	9–37	
	A. Political situation	11–16	
	B. Developments in the peace process	17–30	
	C. Economic and social situation	31–37	
III.	Human rights situation	38–101	
	A. Civil and political rights	40–82	
	B. Economic, social and cultural rights	83–89	1
	C. Status of women	90–101	1
IV.	Observations	102–111	1
V.	Recommendations	112–141	1
	A. To the parties to the conflict	113–116	1
	B. To the Burundian authorities	117–129	1
	C. To the international community	130–140	1
	D. Special message	141	1

I. Introduction

1. Pursuant to Commission on Human Rights resolution 2000/20, the Special Rapporteur on the human rights situation in Burundi is submitting to the General Assembly, together with the present document, an interim report covering the period from 15 April to 15 July 2000.

2. Under the aforementioned resolution, the Commission extended the mandate of the Special Rapporteur by one year, requesting her to submit, in addition to this interim report, a report to the Commission on Human Rights at its fifty-seventh session, and to include in it a gender-specific dimension.

3. This report is the second submitted by Marie-Thérèse A. Keita-Bocoum on the human rights situation in Burundi and follows her second visit to Burundi, from 27 June to 7 July 2000.

4. During her stay, the Special Rapporteur met with the highest political, legal, military and civilian authorities in the country, including the President and the First and Second Vice-Presidents of Burundi as well as the President of the National Assembly. She also had talks with the Ministers for Foreign Affairs and Cooperation; the Interior and Public Security; Defence; Justice; Human Rights; Institutional Reforms and Relations with the National Assembly; the Peace Process; Reintegration and Resettlement of Displaced and Repatriated Persons; Municipal Development; and Social Action and the Advancement of Women. In addition, the Special Rapporteur met with leading political figures who are not members of the Government, including the former President of Burundi and representatives of political parties of all persuasions. In the court system, the Special Rapporteur met with the President of the Supreme Court, the President of the Constitutional Court, the Attorney-General, the Director-General of the Prison Administration, several judges as well as a number of national and international lawyers. The Special Rapporteur held discussions with provincial authorities and officials from national and international associations active in the field of human rights, development and the advancement of women. She also had very fruitful talks with representatives of the diplomatic corps, the European Union, the Organization of African Unity and the United Nations system, including the Special Representative of the Secretary-General for Burundi and the Special Representative of the Secretary-General for the Great Lakes region, in Nairobi. She thanks the President of Burundi and all the leaders that she met, who, through their availability and assistance, enabled her to carry out this mission.

5. The Special Rapporteur wishes to congratulate the Director of the Office of the United Nations High Commissioner for Human Rights (OHCDHB) in Burundi and his entire team for the efforts made to prepare for and ensure the success of her mission and to express all her gratitude to them for the attention that they had accorded to her throughout her stay.

6. The Special Rapporteur was able to travel to the interior of the country, in the provinces of Ngozi and Bujumbura-rural. She visited the central prison in Mpimba, the penitentiaries in Ngozi, as well as hospitals and sites for regrouped and displaced persons in Bujumbura and the province of Bujumbura-rural.

7. The mission took place at a crucial moment in the Arusha peace negotiations and the Special Rapporteur was informed in an objective manner about recent developments in the general situation in Burundi, the human rights situation and, in particular, the situation of women and children.

8. Section II of this report will be devoted to presenting information on the general situation in Burundi, particularly the political, economic and social situation. Section III will deal with the specific situation of human rights and, lastly, sections IV and V will attempt to provide observations and recommendations based on this analysis.

II. General situation

9. In recent months, the general situation has been marked by the resumption of the Arusha negotiations mediated by the former President of South Africa, Nelson Mandela, whose visits to the country have been followed by a reduction in violence in some provinces, a halt in the population regroupment policy and the beginning of the dismantling of the camps.

10. Since the Special Rapporteur's visit in October 1999, the security situation has fluctuated a great deal. At the beginning of 2000, Burundians had hoped for a speedy completion of the Arusha negotiations because

of the efforts made by the new facilitator. Unfortunately, acts of violence increased considerably during the first half of the year, thus raising the number of victims in several areas of the country.

A. Political situation

11. During the Special Rapporteur's stay, the situation remained very tense in spite of an apparent calm in the capital and in a number of northern provinces, including Ngozi. In many provinces, the people are still hostage to clashes between armed groups and government forces, when they are not the victims of unidentified armed groups and bandits. Rebels recruit able-bodied men and minors by force among the civilians and are supplied willingly or otherwise by the people, who, as a result, are subjected to reprisals by the Government forces, who accuse them of complicity with the rebels.

12. In the capital, the relative calm was frequently disturbed by sporadic shooting, which can be attributed to acts of banditry or isolated actions by armed groups, which are immediately followed by vigorous repressive measures on the part of the Government forces. The curfew, which began at 2200 hours in October 1999, was shifted to midnight. This indicates a change in the security situation. Nevertheless, the tension continues because of the formation of militias and self-defence groups among the Tutsi population, in spite of the declared disapproval of the Government. All these tensions can be explained by the various assessments of the developments in the Arusha process and the proposals by the mediator which have not met with the approval of some Burundians linked to political associations and groups considered extremist. This increase in extremism weakens the power of the authorities and radicalizes the positions of antagonistic groups.

13. In southern and south-eastern Burundi, particularly in the provinces of Makamba, Rutana and Ruyigi, which are subjected to frequent rebel attacks, security is more precarious. These territories are under the control of the army during the day, while at night the rebels hold sway there.

14. The increase in the number of recruits and weapons indicates that the position of the combatants has become radicalized. Since the beginning of June, the rebels have besieged the centre of the country, particularly the province of Gitega. In the north, the calm is threatened by a disastrous economic situation resulting from the widespread drought that for three years has been affecting this region of Burundi, which produces most of its food resources. The dangers arising from crime in the region and elsewhere have increased because of this.

15. The general situation in Burundi is influenced by that in the subregion. Indeed, there has been an ongoing "interlocking" of the various countries of the Great Lakes region in the internal conflicts convulsing them, making the problem of the permeability of borders a constant source of insecurity. Consequently, the imminent possibility of the implementation of the Lusaka agreements prompted many of the armed groups to move to the eastern part of the Democratic Republic of the Congo, Burundi and the United Republic of Tanzania.

16. After the security situation improved in some provinces, the United Nations system returned to phase III of its Security Plan in those provinces, while phase IV was maintained in the southern provinces, the centre of the country and certain places in Bujumbura-rural.

B. Developments in the peace process

17. The mediation efforts by President Mandela have given a dynamic impetus to the Arusha peace process, which has recently undergone a real change.

18. However, in May 2000, several questions were still the subject of discussion. During the same month, a number of steps were taken in Burundi and elsewhere in order to pave the way for the future peace agreements. Accordingly, the President of Burundi paid a working visit from 28 to 30 May 2000 to Nigeria, a country that is indirectly involved in efforts to resolve the Burundian conflict.

19. Some members of Burundian civil society met in Pretoria from 29 to 31 May 2000 in order to consider the peace process. They included P. A. Amasekanya, representatives of the press, young people, Bishop Simon Ntamwana, as well as a delegation of 10 women observers in Arusha. However, the President of AC-GÉNOCIDE-CIROMOSO, Venant Bamboneyeho and Charles Mukasi of the Union pour le progrès national (UNPRONA), who are opposed to the peace process, refused to participate in the meeting.

20. In June 2000, the second visit by President Mandela to Burundi, which began on 12 June 2000 in Bujumbura, focused his attention on political activities and the Arusha negotiations. Upon arriving, Mr. Mandela visited the central prison in Mpimbi. The following day, 13 June 2000, addressing the National Assembly, he immediately expressed publicly his indignation at the bad prison conditions in which prisoners were kept. During his address, President Mandela put forward proposals for promoting mediation. They relate to the transition period, balance within the army and the dismantling of the regroupment camps.

21. On 8 June 2000, the dismantling of the regroupment camps in Bujumbura-rural was already in its third phase. Thus, from 8 to 10 June 2000, seven sites in three communes were dismantled and the number of persons who had received authorization to return home increased to 111,695. In the opinion of the military authorities, most of them have been unable to do so because of the prevailing lack of security in their places of residence.

22. The Government, through the Minister for Foreign Affairs and Cooperation, officially declared, during a meeting with the diplomatic corps, its determination to implement a policy of "villagization" in certain sites for regrouped persons on the outskirts of the capital.

23. During her stay in Burundi, the Special Rapporteur noted that the direct contacts established by the mediator with the rebels had made it possible to bring about a remarkable acceleration in the peace process. The Burundian Government supported the proposal by the mediator on establishing equilibrium within the army, while the modalities for implementing this principle, however, were still to be defined. Nevertheless, owing to the persistent nature of the difficulties encountered, the date of 20 July 2000 set for the signing of the agreements was uncertain.

24. Despite these questions and controversies, the work of most of the commissions (the first, second and fourth) was completed.

25. The most recent round of the Burundi peace negotiations was held from 19 to 22 July 2000. The participants agreed to meet again on 7 August 2000 to continue their negotiations on a peace agreement expected to be signed on 28 August 2000. Prior to that, a meeting between representatives of the armed groups, the Burundian army and the facilitator, Mr. Mandela, was scheduled for 3 and 4 August 2000 in South Africa to address the ceasefire issue. A draft peace agreement prepared by the facilitation team was submitted to delegations at Arusha. The draft agreement includes proposals for a compromise with respect to the main outstanding issues on which no consensus had been reached. It provides for the designation, in Arusha, of a president and two vice-presidents from among the different ethnic groups, a 100-member national assembly, and a senate composed of two representatives from each province. With respect to security, the draft stipulates that no ethnic group shall make up more than 50 per cent of the defence forces. The transition process must come into force three to six months after the signing of the agreement and must be completed within a period of 30 months at the latest with the election of a new president. The draft agreement describes the Burundian conflict as being basically political with considerable ethnic undertones and holds the country's former colonizing Powers — Germany and especially Belgium — responsible for the current situation.

26. A proposal by the facilitation office that the key players — the Front pour la démocratie au Burundi (FRODEBU), Conseil national pour la défense de la démocratie (CNDD), Parti pour le redressement national (PARENA), Union pour le progrès national (UPRONA), the Government and National Assembly — should continue the consultations, was vigorously rejected by the other parties. Lastly, four other parties — two from the G-7 and two from the G-8 — will join the key players on 31 July 2000.

27. Three main issues are still under negotiation: ceasefire arrangements, amnesty and deciding on an eminent person to head the transitional Government. Other points on which there is still a considerable divergence of views are the electoral system, transitional institutions and assurances to be provided under the agreement.

28. On 19 and 20 July 2000, the mediator, Nelson Mandela, held consultations with the 19 delegations as well as with that of CNDD-Forces pour la défense de la démocratie (FDD) led by Jean-Bosco Ndayikengurukiye, who, although he had participated in the negotiations for the first time in Arusha, declared that he would not sign agreements in the negotiation of which CNDD-FDD had not been involved. Kabura Cossan, leader of the other armed group, the Parti de la

libération du peuple hutu (PALIPEHUTU)-Forces nationales pour la libération (FNL), did not participate in the Arusha negotiations.

29. At the same time, the heads of State of Kenya, Uganda and the United Republic of Tanzania met on 19 July 2000 under the chairmanship of Nelson Mandela to hold discussions on the peace process.

30. The women of Burundi also met on 17 July at Arusha to discuss the peace process. That conference, involving all the parties, was organized by the United Nations Development Fund for Women (UNIFEM) in cooperation with the facilitation office.

C. Economic and social situation

31. The human rights situation in Burundi is influenced by a steady deterioration in economic and social conditions. Despite the lifting of the embargo, the economy has not recovered. Poverty has deepened in recent months in spite of government efforts to combat corruption, fraud and embezzlement. The resumption of cooperation, however slight, has been made largely conditional on the signing of the peace agreements. The disastrous effects of the war have been compounded by drought, which has been ravaging the north of the country for many years.

32. Burundi has an estimated population of a little over 6,500,000 inhabitants, with an average density of 239 inhabitants per square kilometre, spread over a surface area of 27,834 square kilometres. Women account for 52 per cent of the population. The population growth rate is estimated at 2.86 per cent. The birth rate is about 45 per 1,000 live births, while the mortality rate is over 16 per 1,000 live births. The fertility rate is about 7 children per woman, and 53 per cent of the population is under 18 years old. The country has an illiteracy rate of 62 per cent, a school enrolment rate of 37 per cent, a child mortality rate of 123 per 100,000 live births, while only 28 per cent of the population has access to safe drinking water.[1]

33. Burundi, whose economy is 92 per cent agricultural, derives most of its earnings from coffee. Despite a good road infrastructure, it remains a landlocked country that is dependent on air networks, the Kigoma-Dar es Salaam railway system and the ports of Dar es Salaam and Mombassa for its external trade. It is classified as one of the low-income countries, and its external debt has been increasing steadily as a result of its failure to repay debts at maturity and the depreciation of the national currency against most foreign currencies in which its debt is denominated. The situation has been aggravated by the poor 2000 harvest which, according to estimates, is 6 per cent lower than that of 1999 and 30 to 40 per cent lower than a normal year's harvest.

34. Several projects developed by the international community are ongoing or planned, but their completion depends on improvements in the security situation. However, there is now consensus on the economic assistance to be provided to Burundi. For the moment, the support given to the country is not enough to spark a substantial development of the economy.

35. The disastrous economic situation gives the impression that Burundi is an overpopulated country with food problems that have been compounded by issues of land distribution, education and health. The country therefore continues to be dependent on external food aid. Its development and the survival of its population are conditioned on the signing of a peace agreement that will enable everyone, men as well as women, to participate in economic recovery efforts. In order for Burundi to become autonomous once more, its people must take matters into their own hands by boosting economic, agricultural and industrial activities.

36. On the social front, the country continues to be considerably affected by the exploitation for political ends of both ethnic differences among the Hutu, Tutsi and Twa and regional characteristics.

37. All the foregoing political, economic and social factors explain the many human rights abuses noted today although, as a result of the efforts of the Government, civil society and the international community, there have been considerable changes in some sectors which augur well for the future.

III. Human rights situation

38. Since October 1999, there has been no change in the human rights situation. However, with regard to the legal system, the situation has improved somewhat as a result of the introduction of reforms, including the implementation of the new Code of Criminal Procedure. The situation around the capital and in some provinces is relatively calm as a result of the decline in

mass killings and massacres. Elsewhere in the country, the situation still gives cause for concern.

39. The main human rights violations concern violations of the right to life, to physical integrity, to personal freedom and security, to the freedom to choose one's residence, to freedom of expression as well as violations of social and economic rights.

A. Civil and political rights

1. Violations of the right to life

40. Violations of the right to life basically take the form of attacks by known and unknown agents of the State on and massacres of civilians living in the *collines* or sites for displaced or regrouped persons. Private homes and government and socio-economic infrastructure were destroyed, while ambushes and murders were perpetrated on the highways. Such violations are often accompanied by rape and plunder.

Violations attributed to agents of the State

41. The Special Rapporteur was informed about several violations attributed to agents of the State, including some very major ones.

42. On 7 May 2000, members of the military and gendarmes from Bujumbura mounted an operation on the Kavumu regroupment camp in the commune of Kanyosha, province of Bujumbura-rural, to search for arms hidden in the camp. The people regrouped in the camp were divided into groups according to their home *collines* and searched for hours. They realized afterwards that the military had robbed them of their property and food, which had been transported by lorry to the Linkona position. In addition to such plunder, five people were killed during the operation. Although the authorities disagreed about the number of victims, they admitted that blunders had been committed and carried out some arrests.

43. The Special Rapporteur was informed by observers of the Office of the United Nations High Commissioner for Human Rights in Burundi (OHCDHB) of the discovery in a house located in Kibeza *colline*, Kanyosa commune, province of Bujumbura-rural, of human remains — 40 skeletons of people who had been allegedly arrested then massacred by the military in December 1999. Given the seriousness of the crimes, OHCDHB called upon the Burundian authorities to open an investigation into the matter.

44. On 16 May 2000, in retaliation for a rebel attack on the Kinyankongo site (Mutambu commune, province of Bujumbura-rural), members of the military attacked the population, which was accused of cooperating with the rebels. Thirteen people were said to have been killed, while the site was sealed off. The liaison unit confirmed the incident, but put the number of dead at four, noting that 11 people had been wounded by stray bullets.

45. On 18 May 2000, people who were returning home in the Burima sector, Giheta *colline* (Mutambu commune, Bujumbura-rural province), were detained by soldiers for questioning. Seven of those detained subsequently died, including five children: Bereta (aged seven), Vanzerine (aged five), Divine (aged two), Rurete (aged two) and Numvana (aged three).

Violence attributed to rebel groups

46. In recent months, many rebel attacks have been perpetrated against the civilian population in the province of Bujumbura-rural and in the south of the country. The Special Rapporteur, who travelled by road in Bujumbura-rural province, noted the extent and violence of such attacks by the large number of charred, bullet-ridden hulks of vehicles littering the roadside.

47. On 15 May and 3 July 2000, rebels attacked, wounded and killed several people in the province of Bujumbura-rural and Bujumbura-Mairie. Those attacks shattered the climate of relative peace and security that the capital had been enjoying for some months.

Acts of violence by persons unknown

48. In the evening of 21 May 2000, an unidentified armed group attacked vehicles on national highway 4, 10 kilometres from Bujumbura. According to witnesses, armed men in military uniforms allegedly formed three groups and ambushed three vehicles. One of the three occupants of the first vehicle, which was coming from Gitumba province, Léonidas Sibomana, was burned to death. The 15 passengers in the second vehicle escaped unharmed. However, two of the 10 passengers in the third vehicle, a public transport bus, were killed by bullets; a third was burned to death in the bus, while three others, including a woman, were injured. While it cannot be stated that the killings were

selective, it is a fact that the dead people were Hutus. The witnesses said that the attackers checked the ethnic origin of at least one of the victims, the injured woman, before sparing her life.

49. On 29 June 2000, an Italian priest, Carlo Masseroni, fell victim to bullets fired by unknown persons believed to be rebels, in his parish at Gatsinga (Mwumba commune, Ngozi province).

50. On 10 July 2000, the Mubone *chef de zone* (Kabézi commune, Bujumbura-rural province) was killed in his residence by unknown persons who, according to the authorities, were rebels.

2. Violations of the right to personal freedom and security

51. On 14 April 2000, Déo Nteziyorvwa, suspected of complicity with the rebels, was arrested at his home at Buterere, Bujumbura-Mairie, by the *chef du quartier*. He was taken to the military post at Buterere and tortured, and was then taken to the Kiyange brigade barracks, before being released on 9 May 2000.

52. On 26 April 2000, a soldier at the Ndagano post (situated between Nyambuye and Gikungu) in the Bujumbura-rural province forcibly abducted a brother and sister; the boy, aged 20, was assaulted, and the girl, aged 11 (Nimari Bicuru Fabiola), was raped. The parents of the victims informed the public security police, which opened an investigation.

53. Several other violations attributed to members of the military were brought to the attention of the Special Rapporteur, including extortion of funds and the use of anti-personnel mines. She was also informed of cases of arbitrary arrest.

54. Following the rebel attack against the displaced persons camp at Businda (Bukeye commune, Muramvya province), about two dozen people are alleged to have been arrested, detained at the brigade barracks, and then incarcerated at the Muramvya prison. Despite the decision of the State Prosecutor, following an investigation, to grant provisional release to some of them, the prosecutor-general at the Bujumbura court of appeal is alleged to have had them transferred to Mpimba on 13 April 2000. OHCDHB was contacted by the families and heard allegations that there had been a deliberate set-up to implicate those persons.

3. Violations of physical integrity

Torture and ill-treatment

55. Cases of torture and ill-treatment are still being recorded in the police *cachots* (public security police, judiciary police of the *parquets*, police from gendarmerie brigades), or in those of communes and zones. Some prison inmates also show signs of torture and claim to have been tortured in police *cachots* or in clandestine places of detention. Other cases are the work of armed bands, which subject their victims to torture and ill-treatment before stripping them of their property.

56. During her talks with the representatives of humanitarian organizations, particularly in the field of health, the Special Rapporteur noted that the majority of patients consist of persons suffering from bullet wounds or malnutrition. Malnutrition is rampant in the southern part of Burundi since, owing to the insecurity, not all patients have access to the aid provided by these organizations.

57. During her visit to the Bujumbura hospitals, the Special Rapporteur observed a sharp reduction in cases of malnutrition, particularly in the paediatric wards, compared with her previous visit. There are still many cases among the people coming out of the former regroupment camps, however. In contrast to October 1999, the Special Rapporteur did not see young children among the gunshot victims in the public hospitals. On the other hand, about 75 per cent of the cases of traumatology in the hospital centres of the capital are gunshot victims.

Rapes

58. Cases of rape, including the rape of girls, have been reported, particularly in the stricken areas. Other rapes are committed by armed bands on women captured during attacks. The Special Rapporteur was informed that many cases are not brought to trial. In 1999, the Bujumbura courts took up 17 cases of rape. The laws of Burundi provide for penalties of 10 to 20 years of imprisonment for rape, or even more if there are aggravating circumstances. Most cases go unpunished, however; social or other pressures no doubt explain the acceptance of out-of-court settlements by the victims or their parents.

4. Dismantling of the camps

59. The dismantling of the camps, which had already begun before the Special Rapporteur's visit, continued, although it was not possible to find out exactly how many camps were affected by the operation. Moreover, the military authorities met by the Special Rapporteur gave her to understand that the deadline of 31 July 2000 established by the Government for the completion of the dismantling is subject to the full restoration of security in the zones concerned.

60. At the time of the Special Rapporteur's visit, over 230,000 people had returned to their homes. About 100,000 of them, however, had returned of their own free will to the regroupment areas for security reasons. For example, some of the former regrouped persons from the dismantled camp at Kavumu, which the Special Rapporteur visited, remained in the area in order to be able to receive food and medical aid provided by humanitarian organizations.

61. In general, the dismantling operations took place during the dry season. Since the people do not have sufficient food reserves (because of difficulty in gaining access to the fields during the regroupment), they have remained dependent on humanitarian aid. Moreover, in some cases, insecurity in the *collines* forced the people to remain where they were. Nevertheless, the dismantling allows free movement of persons, ease of access to humanitarian aid, and the benefit of the solidarity of neighbours.

62. In the camps which have not yet been dismantled, the situation remains intolerable. The visit to the Mageyo camp revealed the great distress of the people living there and confirmed the absolute necessity of dismantling all the camps. The Special Rapporteur visited this camp even though the Governor of the province was firmly opposed on the pretext that the camp had already been dismantled and that security was not guaranteed there.

63. The same kind of distress was found among the displaced persons of Carama. The living conditions in this camp are harsh, especially for widows, elderly women and the many children, who often live in an intolerably precarious state, suffering from illnesses, malnutrition and the cold.

5. Violations of freedom of opinion and expression

64. Freedom of opinion and expression have been violated by the public authorities, which have frequently prevented the holding of meetings, particularly of opponents to the Arusha process. The Special Rapporteur was informed of the existence of political groups and associations which are hostile to the Arusha peace process and claim not to have been able to express their opposition. Government representatives who were approached by the Special Rapporteur on the question explained this refusal by referring to provisions of the Convention on Governance. They added that this hostility to negotiations is intolerable because it jeopardizes the signing of the peace agreements.

6. Violations of the right of trade unions to function freely

65. The Burundian trade union movement has gained several new members since the beginning of 2000. However, according to the trade union officials who were encountered, trade union freedom is not respected. They mentioned cases of arrests, arbitrary assignments, wrongful dismissal, violations of the right to strike, arbitrary detentions, and violations of freedom of expression and assembly.

7. Violations of the rights of persons deprived of their liberty

66. The situation of persons deprived of their liberty has changed slightly since the beginning of the year as a result of reforms of the judiciary, improvements in the conditions of detention in certain prisons, and support by the Government, human rights associations and humanitarian organizations. Even so, many irregularities persist.

Prisons

67. The penitentiary establishments are still characterized by shortcomings and irregularities because of massive overcrowding (the total of over 10,000 prisoners in June 2000 greatly exceeds the capacity to house them), inadequate food, very poor health services, and delays in processing the cases of detainees.

68. The Mpimba prison, which the Special Rapporteur visited for the second time, shows some improvements since the previous visit; this is no doubt

attributable to the effectiveness of international pressure and the assistance provided by the International Committee of the Red Cross (ICRC). The number of prisoners remains very high, however, with 2,681 prisoners instead of 800. The Special Rapporteur observed, in addition to lengthy periods of imprisonment, many cases of imprisoned minors, and of infants living with their incarcerated mothers. The visit by the mediator, Nelson Mandela, led to an improvement in the conditions of imprisonment of persons condemned to death. They are still kept in isolation, however, unlike the inmates of other prisons in Burundi. An infirmary recently built by ICRC is able to care for sick inmates and isolate those who are affected by epidemics. Changes are being made to isolate minors from adults.

69. At Ngozi, men and women are not held in the same prisons. The men's prison officially contains 2,258 prisoners, although it was built to hold 400 prisoners. Among these prisoners are 224 convicted persons, including seven minors. Eighty per cent of the detentions are associated with the 1993 crisis. During her visit, the Special Rapporteur met several prisoners aged between 15 and 19 who have been sharing the same space as adults for several years. She deplored the poor prison conditions, notwithstanding the efforts of ICRC to replace all the mattresses. The penitentiary building is divided into eight cells measuring 80 m^2 with over 200 prisoners in each one, six cells measuring 50 m^2 with about 100 prisoners in each one, and *cachots* measuring 4 m^2 with 8 persons in each one; so that at night the prisoners are piled on top of each other in these *cachots* and in the corridors. The large cells are crammed with mattresses piled on two levels.

70. The food rations of all prisoners in Burundi are identical (300 g of beans and 300 g of manioc flour per prisoner per day). At Ngozi, because of the lack of bowls, many prisoners have only their hands to receive warm meals. Most of them live barefoot and in rags; malnourished, they frequently fall ill. There is an infirmary which, from time to time, receives consignments of medicines from international organizations, but the prisoners cannot be visited by doctors. The Special Rapporteur was approached by prisoners who said that they had been in prison for several years without ever appearing before a court. Many of these people told her that they felt they had been the victims of irregularities during their trials, and expressed misgivings about the justice system in Burundi. Several of them were tried before legal aid programmes were made available, and without a lawyer.

71. Female detainees in Ngozi enjoy better living conditions than men. There are 56 female detainees, of whom 30 have been convicted. There are no female minors. Twelve newborn babies share the prison environment with their mothers. The prison, which is considered to be too large for the number of women there, was divided in two in order to accommodate men in the other half.

Other detention centres

72. The Special Rapporteur was informed of the situation prevailing in the zone, brigade and police jails, where conditions of imprisonment are acceptable in certain cases, but appalling in others. However, despite the lack of human and material resources, an effort is being made to ensure the proper application of the new Code of Criminal Procedure in the *cachots*. The various provincial prosecution services are making similar progress. Thus, instances of several months' imprisonment in a *cachot*, or of transfers to prison merely on the basis of a police report, have decreased considerably and are even rare.

73. Nonetheless, cases of human rights violations continue to be identified in certain jail facilities of the police, public security police and judicial police of the prosecutors' offices, and in the *cachots* of communes and zones. What has been observed there, in particular, are cases of arbitrary detention, torture or abuse, malnutrition and starvation of many detainees who do not have the benefit of supplemental support from their families. Often these detainees have been in police custody far longer than the legally permissible period.

74. Hygienic conditions in the *cachots* are generally appalling (no water and no ventilation) and often cause dysentery. There are also secret detention centres in the communes, zones or camps and military posts.

8. The justice system and a state based on the rule of law

75. Appreciable progress has been made in the justice system, thanks to the new Code of Criminal Procedure, which entered into force on 1 January 2000, particularly as regards respect for the legally permissible period of police custody and interrogations

conducted by judicial police officers. This can be attributed to an effective legal assistance programme, the efforts of humanitarian and human rights organizations and the Government's will to become more involved in establishing a state based on the rule of law in Burundi. This progress, however, remains hampered by what are still too many irregularities, inadequacies and acts of violence that are aggravated by the war situation, extreme poverty and the excessive number of prisoners. The major problems remain the slowness of the judiciary system, the growing corruption of certain judges and political, social and cultural pressures. The Government is responsible for ensuring that the situation improves but is confronted with a lack of resources. The slowness of the justice system is a serious obstacle, given the number of cases pending before the Criminal Division. Indeed, out of a prison population of approximately 10,000, nearly 8,000 are in pre-trial detention.

76. In order to remedy this situation, the Ministry of Justice undertook both to strengthen temporarily the Prosecutor's Office at the Court of Appeals by assigning teams of judges to speed up the investigation of cases, and to carry out regular prison inspections by the prosecutors' offices in order to ease the overcrowding. For example, at the end of January 2000, more than 200 accused persons were released on bail. In addition, a number of prisoners who had served more than one fourth of their sentences were released on parole.

77. Since the application of the new Code of Criminal Procedure, arbitrary arrests have decreased, and considerable work has been done in order to sort out detainees' files. In Ngozi, despite the fact that there are very few judges, since December 1999, 1,200 cases have been confirmed and 40 of those dismissed. A mission of eight itinerant judges reviewed 600 files and released 250 detainees between January and April 2000. In that same town, the Special Rapporteur was informed of a significant decrease in indictments since 1999 and received assurances that the 190 pending cases would be rapidly processed.

78. Since early 2000, the Criminal Division has convened three sessions: the first from 10 January to 10 February; the second, from 10 April to 11 May; and the third, from 3 to 28 July. From January to April 2000, 1,178 cases were appealed; 167 arrests were pronounced; 40 persons were sentenced to death, 43 to life imprisonment and 86 to shorter prison terms; and 84 persons were acquitted. In May 2000, there were 22 arrests, resulting in four death sentences, equivalent to 18 per cent of those arrested, eight sentences of life imprisonment, equal to 36 per cent of those arrested, four shorter prison sentences, or 18 per cent, and lastly, 15 acquittals, or 68 per cent.[2]

79. The Ministry of Justice thinks that it will be able to ensure that all detainees are tried before April 2001 by extending and expanding the number of sessions of the Criminal Division and increasing the number of judges in the field. It also intends to pursue its efforts to improve conditions of detention in the prisons, particularly as regards health and food.

80. The ethnic imbalance in the magistrature and the Bar persists. Efforts are indeed being made to remedy this problem, which is more crucial in the higher magistrature. The current project for a Higher School of the Magistrature would be a step in this direction. Improvements could result from the enactment of the new magistrature statutes of 29 February 2000; however, their application is still subject to financial constraints that cannot be easily overcome.

81. Other barriers to the application of equitable justice include witnesses' failure to appear at trials and many cases of false testimony. These problems are beginning to be solved under the Legal Assistance Programme and with help from human rights leagues.

82. It should be noted that the Legal Assistance Programme, operated by the Office of the High Commissioner for Human Rights in Burundi (OHCDHB) and the training courses for judges are still having a positive impact on the promotion and defence of human rights. As a result, acquittals are pronounced on the basis of greater respect for the law, and death sentences are increasingly being replaced by life imprisonment and shorter prison terms. However, it is regrettable to note that, in Burundi, capital punishment is still in effect, despite the efforts of OHCDHB to encourage the Government and judiciary authorities to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death sentence, and to revise the Penal Code.

B. Economic, social and cultural rights

83. Tremendous insecurity and the very low level of foreign trade have plunged the country into enormous

economic hardship, thereby aggravating the deterioration in the living conditions of the Burundians. Coupled with this is the inability of the authorities to adequately guarantee the economic and social rights of the various strata of the population, particularly the most vulnerable. Since income is low, it is virtually impossible for many households to cover basic expenses for food, shelter, clothing, health care and children's education. Prices regularly increase and, in July 2000, another fuel price increase had a very severe impact on economic activities, particularly on transport. As a result, the drop in purchasing power was felt even more keenly, since there has been no substantial wage increase.

1. The right to health

84. Not everyone enjoys the right to health in Burundi, given the high cost of medicine, the inadequate and decrepit medical facilities and equipment and the lack of medical personnel, despite the assistance provided by humanitarian associations and organizations.

85. Not all Burundians, particularly those in the rural area, have a health insurance card, which, in any case, covers only a fraction of the medical benefits. The situation is aggravated by the extreme poverty of most of the patients. A visit to the hospitals revealed a strong prevalence of patients affected by acquired immunodeficiency syndrome (AIDS), who account for up to 80 per cent of the hospital beds in general medicine, while the incidence of AIDS among the urban population is 15.9 per cent, according to estimates by the Office for the Coordination of Humanitarian Affairs (OCHA) in Burundi.

86. There is a glaring dearth of medical personnel in the public hospitals. In the entire country, there is one doctor for 21,517 persons and one male nurse for 3,033 persons. The rate of vaccination coverage is approximately 48 per cent.

87. In order to facilitate the Burundian population's access to health care, the Government took a number of measures, including the establishment, on 29 March 2000, of the Dispensary of essential generic medicines, medical appliances and laboratory products and equipment of Burundi. Other projects, particularly with regard to AIDS control and patient care, are being carried out with the support of United Nations agencies. However, the treatments proposed still cost much more than most Burundians can afford. Nonetheless, the Special Rapporteur's visit to and meetings at the Bujumbura hospitals revealed the urgency of effective measures in this area.

2. The right to education

88. The crisis afflicting the country has aggravated the problems related to the right to education. The quality of education is affected by the dearth and inferior quality of personnel and the inadequacy of school premises and teaching materials, which were for the most part destroyed in the fighting between the warring parties. Coupled with this are the disruptions in the school calendar, owing to the many forced displacements of teachers and pupils. The result is a greater number of children out of school, particularly in the provinces of Bubanza, Makamba and Ruyigi, where insecurity prevails. In Ruyigi, the schools have lost a huge number of pupils who took refuge in the United Republic of Tanzania after the March attacks. Some who returned without their parents are unable to pay the "minerval" (registration fee), which many parents in Burundi cannot afford either.

3. Children's right to special aid and assistance

89. In Burundi, children are drawn into conflicts; they are used by all the warring parties to carry weapons and ammunition, and to do chores and errands. Visits to prisons revealed that minors have been imprisoned for complicity with the rebels. Another phenomenon highlighting the vulnerability of children is the disturbing number of street children and orphans in the capital and elsewhere in the country. Still another is the situation of young children who, in the absence of shelter, share their mothers' prison quarters.

C. Status of women

90. The status of women in Burundi is defined by poverty, an excessive burden of household duties and considerable dependence on the husband. It is also characterized by low levels of representation in decision-making, insufficient training and information and a very low literacy rate, which restricts enjoyment of their rights. Women are also affected by the war and social and economic burdens. The men are at the front, disabled or killed, and women very often find

themselves heads of households, forced to raise their children alone.

91. Women suffer numerous violations of their rights. Violence against them is often physical, psychological and even sexual. Their rights to inherit property and own land are also violated, the consequences of polygamy and rape. The main obstacles to women's advancement are tradition and ignorance. For the most part, they are unaware of their rights and do not know the procedures to be followed when they are subjected to injustices. Moreover, legal texts published in French are inaccessible to most rural women; many of the large numbers of rural women are illiterate. The situation of widows is also of great concern.

1. Women in the economy of Burundi

92. Statistically, women represent 52 per cent of the workforce, but the real figure is undoubtedly higher because of the war. However, they hold few management posts (only 13.43 per cent of company directors or high-level executives). They are in the majority in agriculture (over 55 per cent), but are much less represented in intellectual and scientific professions (21 per cent), while they are more or less well-represented in mid-level jobs and administrative positions.[3]

93. While the proportion of women is relatively large in business, the hotel and catering industries and the banking sector, they are found in job categories which require mid-level training, and thus are low-paying.

94. Burundian law gives women the same employment rights and responsibilities as men. Hiring conditions are identical; they compete for vacancies on an equal footing and receive salary and benefits under the same conditions. In reality, however, subjective criteria are sometimes taken into consideration and are to the detriment of women. An inferiority complex, originating in custom and upheld by society, often prevents women from competing with men for high-level posts. The problems of women's employment are exacerbated by the structural adjustment programme, which reduces the job market because it affects the support posts (downsizing) which women essentially fill.

95. In the area of health care, programmes have been under way since 1983 to raise awareness in society, especially among women and youth, of reproductive health issues, including family planning. The Government has made additional efforts to improve the health of women and children (maternal and child health programmes and combating AIDS), but despite this determination on the part of Government, the situation remains very precarious in this field. Over 80 per cent of women in Burundi give birth at home under poor sanitary conditions, often without trained assistance. Moreover, malnutrition has been found to cause severe illnesses in pregnant women and nursing mothers. In addition, rural women are weakened by an excessive burden of labour.

96. The educational system does not practice any discrimination against women; nevertheless, the weight of tradition and attitudes explains why disparities between boys and girls persist, especially in rural areas. In primary education, the enrolment figures by sex show that the number of girls has increased steadily (over 45 per cent), but does not yet correspond to the proportion of women in the society. A decline in the number of girls during the school and university cycles can be seen: girls make up 38 per cent of secondary-school pupils; at the higher levels, only 26 per cent. Girls appear to prefer short cycles leading to social careers.

2. Women in legislation

97. The monetarization of the Burundian economy obliges women to join in the search for new sources of income to meet the needs of their families. The number of women in the agricultural sector is particularly high. In order to develop businesses and improve the welfare of their families, women must rely on credit. Legislation which discriminates against women entrepreneurs has been repealed. Spousal authorization is no longer required to open a bank account, operate a business or obtain credit, but credit is generally granted only in small amounts. To remedy the situation, women have organized credit associations, the results of which are still not very encouraging.

98. Equality of men and women in Burundi is guaranteed by domestic and international legal instruments, granting them, inter alia, identical civil status for concluding contracts and administering their property. They receive equal treatment before the courts. In marriage, equal rights are ensured by the decree law of 28 April 1993 on the reform of the individual and family code. However, this equality before the law is greatly distorted by the practice of customs which relegate women to an inferior position.

Moreover, legislation still contains gaps and provisions that discriminate against women. For instance, it is silent on the subject of succession, marital property regimes and gifts. In these areas, the prevailing customs are decidedly unfavourable to women, who remain subjected to the traditional burdens and are unaware of their rights.

99. A commission was formed within the Ministry of Justice, headed by the President of the Constitutional Court, a woman, to finalize the bill on succession and marital property schemes. This multidisciplinary commission, the majority of whose members are women, has been considering this bill since July 1999. It appears, however, that the concept of this draft law does not enjoy broad consensus among women, which explains to a large extent why the bill has moved so slowly.

100. It is thus clear that the status of women and their integration into the development process face sociocultural, legal, political and economic obstacles. At the sociocultural level, a woman's worth is still determined by her offspring. This view is a handicap to rural women, whose lives conform to the rhythm of fieldwork and housework; it also impedes the development and the use of the abilities of intellectual women in fulfilling political and economic roles.

101. At the political and institutional level, the major obstacles to the advancement of women, especially in rural areas, come from the lack of adequate training structures and institutional and material support for women's organizations.

IV. Observations

102. Burundi has ratified most of the international human rights instruments, including most recently the Statute of the African Court of Human Rights. There is a parliamentary commission on justice and human rights, whose main activities involve the promotion and protection of human rights through legislation. The Government has just established a Commission on Human Rights in order to strengthen their protection. The members have not yet been appointed; it is to be hoped that their nomination by the Government will not affect their independence in the least. At the commune level, human rights committees have been set up to raise the awareness of local government authorities and the people with regard to respect for human rights. This political will on the part of the Government, which is associated with increasing awareness among civil society, especially women and youth, bodes well for a better future for human rights in Burundi, provided that the interests of individuals or groups can be overcome.

103. An analysis of the overall situation shows that much of the territory is secure, except the province of Bujumbura-rural and the southern provinces. The war is conducted through the civilian population, and women and children are the main victims. This situation requires a rapid end to the war through the signing of the peace agreements and an urgent cessation of hostilities, in order to protect civilian lives. Such agreements will make it possible to envisage greater respect for human rights, including economic, social and cultural rights. The future of Burundi depends on these agreements, so much that the presence of all the parties to the conflict at the negotiating table is crucial. Peace is an absolute necessity for all the parties. It is essential for reviving the Burundian economy, whose fate is closely linked with those of the other Great Lakes countries.

104. During discussions with the representatives of different political leanings, the Special Rapporteur was informed repeatedly that one of the questions which weighed heavily on the atmosphere in Arusha on the eve of the conclusion of the agreements was the attitude of the United Nations towards the report of 23 July 1996 of the International Commission of Inquiry. This issue was often associated with the question of impunity.

105. All those with whom she spoke paid tribute to the credibility of the mediator, Nelson Mandela, and most stated that, for the peace process to have a successful outcome, the agreements must have the approval of all Burundians. In that regard, she was pleased to learn that the mediator is planning an awareness campaign to promote support for the agreements after their signing.

106. The success of the future agreements will depend on the degree of involvement of all those, both at home and abroad, who have an interest in Burundi. The involvement of the international community should be made tangible through the deployment of sufficient funds to implement the agreements, thus contributing to the development of an egalitarian policy in Burundi. The credibility of the international community in

Burundi, the Great Lakes region and the rest of Africa depends on its success.

107. A trend towards a decline in the number of Burundian refugees in the United Republic of Tanzania has been observed. Nevertheless, over 500,000 refugees remain there, of whom 200,000 fled Burundi during the events of 1972. A plan for the repatriation of refugees, with the cooperation of the Office of the United Nations High Commissioner for Refugees (UNHCR), has been prepared with a view to the post-Arusha period. However, arrangements must also be made for the eventuality of a mass and disorganized return which could create an emergency situation. Providing assistance to internally displaced persons, in particular where the two groups must live together, is also a matter of concern. The possible signing of the peace agreements makes an examination of this fundamental question a matter of urgency.

108. The inferior status of women should be considered in terms of the specific situation in the country. There is a contrast between the position that women occupy in society and the role that nature and circumstance have conferred on them. Burundian society remains bound by customs, mentalities and practices that produce discriminatory attitudes towards women, which the current circumstances reinforce. The numerical proportion of women, their close relationship to children, and the consistent support that they provide to society indicate the role which they will be called on to play in building a harmonious future in Burundi. It is thus imperative that measures should be taken to hasten their advancement.

109. It is noticeable, moreover, that women, especially urban women, are becoming increasingly aware of the place that they should have in society. Their participation with permanent observer status at the Arusha negotiations, and the proposals submitted by their delegation, are proof of this. There are a number of women's organizations that are working actively on behalf of women and peace, although, unfortunately, their efforts are hampered by economic constraints and political prejudices.

110. The Ministry of Social Action and the Advancement of Women, together with the Association of Women Lawyers and the United Nations Development Fund for Women (UNIFEM), has launched an awareness campaign with a view to facilitating the passage of a bill on inheritance, matrimonial regimes and gifts. Without this campaign, the bill, which is indispensable if the status of women is to be enhanced, would encounter enormous difficulties, especially in rural areas. Accordingly, it would be desirable for it to be passed as soon as possible.

111. As regards the definition of legal minority, there is a disparity between Burundian law, under which the age of majority is 13, and international standards, which set the age of majority at 18. Furthermore, it is difficult for criminal-investigation police officers to estimate the age of minors in view of the fact that most minors possess no personal status documents and are illiterate. This explains why the minors detained on charges who were interviewed during the visit to Ngozi prison often stated that they were younger than the Director of the prison had said they were.

V. Recommendations

112. While reiterating the recommendations made in her initial report (see E/CN.4/2000/34, paras. 145-167), submitted to the fifty-sixth session of the Commission on Human Rights, the Special Rapporteur here wishes to make new recommendations in the hope of thereby helping to improve the human rights situation in Burundi.

A. To the parties to the conflict

113. The Special Rapporteur firmly supports the will to negotiate and seek solutions that has been demonstrated under the leadership of the mediator, Nelson Mandela, in order to halt the conflict in Burundi and congratulates the participants in the peace process for the immense progress that has already been made.

114. Since today more than ever, peace is necessary for safeguarding human rights and is the best guarantee of sustainable development in the interests of all concerned, the Special Rapporteur calls urgently on all those parties to the conflict that have been absent from the Arusha negotiations to participate in them henceforth in order to demonstrate their devotion to the cause of the peoples of Burundi.

115. The Special Rapporteur urges the parties to the conflict to respect the people's rights, beginning with

their right to life. She calls on them to respect the right of children not to be subjected to violence, and to protect them from torture and other cruel, inhumane or degrading forms of punishment or treatment.

116. She urges the belligerents to observe in full the provisions of international humanitarian law relating to the protection of children affected by armed conflict.

B. To the Burundian authorities

117. The Special Rapporteur appreciates all the measures aimed at reducing judicial irregularities and improving the human rights situation. She encourages the Government to continue its efforts to lead Burundi towards a legally constituted state.

118. She supports all efforts to eradicate impunity and to prosecute those responsible for serious violations of the standards governing the protection of human rights and international humanitarian law.

119. The Special Rapporteur is resolutely in favour of all effective measures aimed at reducing detention to the minimum length required and ensuring that family members, doctors and lawyers have access to detained persons.

120. The Special Rapporteur strongly emphasizes the need to combat the phenomenon of enforced disappearances, which seems to be persisting in the country. She reiterates to the Government that the application in its entirety of the Declaration on the Protection of All Persons from Enforced Disappearance is essential in preventing this human rights violation. She also asks it to cooperate fully with the Working Group on Enforced or Involuntary Disappearances.

121. She urges the Government to make every effort to improve the living conditions of refugees, disaster victims, returnees and displaced persons, especially women and children, in order to ensure their safety and possible resettlement and lastly to provide them with the necessary protection, assistance and training.

122. The Special Rapporteur encourages and supports all forms of action aimed at changing or enhancing the way women's roles are viewed (in terms of customs, mentality and prejudices) with a view to fostering in that way full participation by women in the development process.

123. She expects the authorities to take all measures to amend laws and alter policies, customs and traditions that are a source of violence and discrimination against women and prevent them, in particular, from owning or inheriting land, property or a dwelling.

124. The Special Rapporteur unreservedly supports all initiatives and actions aimed at the enactment and dissemination of provisions laying down equality between men and women in respect of the ownership and control of land and access thereto, and equal rights in respect of the ownership of property and decent housing, taking particularly into account the situation of single women and women who are heads of families.

125. She urges the authorities to devote particular attention to the development of a reliable health and social service system that will effectively prevent disease and malnutrition and provide optimal health care for all, especially women and children.

126. She recommends that the Government should devote particular attention to the right to education on the basis of equal opportunity, ensure that all children, especially children who live in remote rural areas and children of poor families, have access to primary education, and make secondary and higher education accessible to all.

127. She urges the Government to devote particular attention to street children and children that have been displaced within their own country, who are particularly exposed to the risks of being enlisted into armed groups, sexual violence, mistreatment or exploitation.

128. She requests the Government to ensure that any child suspected or convicted of having committed a criminal offence should be treated with dignity in accordance with obligations under the Convention on the Rights of the Child and other international human rights instruments.

129. In view of the indivisible, interdependent nature of human rights, the Special Rapporteur recommends heightened surveillance and more effective implementation of the provisions relating to economic, social and cultural rights.

C. To the international community

130. The Special Rapporteur supports the Secretary-General, the General Assembly, the Security Council,

the Secretariat and the various United Nations institutions, as well as non-governmental organizations, in their efforts to enhance protection of civilians and, more particularly, the most vulnerable groups, including children, women and the elderly, who are suffering as a result of the armed conflicts in Burundi and the Great Lakes region.

131. She extends her thanks to the national and international associations concerned for their tireless work in the area of the legal system and humanitarian action, which has helped to alleviate the plight of victims and persons in custody.

132. The Special Rapporteur wishes to make it clear that all those involved in the Arusha process have staked their credibility on the negotiations. Accordingly, she urgently requests the international community to use all its influence to persuade the parties to the conflict that have not yet become participants in the negotiations to do so in order to give Burundi a better chance of achieving genuine peace. She urges the international community to bring pressure to bear on all the belligerents so that hostilities may be brought to an end as soon as possible.

133. She calls upon the international community to provide for and mobilize the material and human resources required under the disarmament, demobilization and reintegration measures that will follow the signing and implementation of the peace agreements, while taking into consideration the subregional aspect and devoting particular attention to the specific problem of child soldiers.

134. She encourages the international community to make even greater efforts to develop socio-economic programmes and projects and secure the sustained flow of resources that will be indispensable for further reconstruction activities, thereby creating the conditions necessary for sustainable development and avoiding the prospect of an unstable peace that would be likely to plunge the country into renewed violence.

135. She encourages the establishment and strengthening of prevention, observation and monitoring mechanisms in order to avoid an escalation of the conflict and thereby restore peace in Burundi.

136. She recommends the strengthening of humanitarian action in order to respond more effectively to the assistance needs of victims and poverty-stricken people and contribute to the return of a measure of stability and greater respect for human rights, thereby promoting national reconciliation.

137. The Special Rapporteur would like to see the international community display greater awareness of the enormous danger arising from the HIV/AIDS virus and its consequences, which, together with the civil war, are jeopardizing Burundi's stability. She invites the international community to work more actively to combat this scourge, in particular by helping to make care available for the majority of those infected.

138. The Special Rapporteur wishes to place particular emphasis on the need to involve women in the peace process, and asks the international community to make every effort to ensure that women are full participants in political and economic decision-making structures, and that the contributions which they make within their families and communities are put to good use in order to promote a culture of peace and reconciliation.

139. The Special Rapporteur asks for urgent national and international action at all levels to combat extreme poverty and social exclusion, whose spread may lead to continued instability that could weaken the peace process and impede peaceful coexistence. Particular attention should be devoted to the situation of women and children, who are affected the most by this phenomenon.

140. At this juncture, before a peace agreement has been signed, the Special Rapporteur recommends that donors should increase their assistance to OHCDHB in order to ensure that the Office has a substantial budget enabling it, particularly by recruiting staff and extending its operations, to increase its monitoring, legal assistance and human rights promotion activities.

D. Special message

141. The Special Rapporteur expresses her particular support for the people of Burundi, both those inside and those outside the country, who have suffered from war and the consequences of war for many years. She urges them to mobilize all their energy to restore peace to Burundi, and to resist with all their strength whatever might constitute a source of further division.

Notes

[1] See "Overview of the humanitarian situation in Burundi", Burundi, June 2000; World Health Organization (WHO): "Survey of the situation of violence against displaced women in Burundi", May 1998; and United Nations Development Programme, "Key human development indicators", Burundi, September 1999.

[2] It should be noted that an arrest can involve more than three persons.

[3] Burundi, Ministry of Social Action and Advancement of Women: Sectoral Policy of the Ministry.